

The Constitutional Democracy in Bulgaria

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The Bulgarian constitutional system under the 1991 Constitution:

- Normatively open for representative, direct, participatory and deliberative democracy
- Parliamentary republic of hybrid type
- Unitary state with local self government

Forms of direct democracy in Bulgaria:

- Elections
- National referendum
- National peoples initiative
- Local referendum
- Local peoples veto
- Local peoples initiative
- Internal territorial plebiscite
- General assembly of the population

Forms of participatory democracy in Bulgaria:

- National citizens initiative
- Local citizens initiative
- Petition
- Subscription
- Right of assembly, demonstrations and manifestations
- Right of association

Electoral issues:

- Cases of electoral fraud, controlled and purchased vote
- “dead souls” in the electoral lists
- Electoral tourism
- Electoral absenteeism and disinterest

Possible solutions for electoral problems (I):

- More precise electoral lists
 - Active registration of voters
 - Prohibition of inclusion of voters on the electoral day
 - CEC must control the process for preparation and publication of electoral lists
- Purchased vote
 - Compulsory voting – no
 - Camera recording of the work of the section electoral commissions
 - Scanning of the election protocol and its immediate sending via e-mail to the CEC
 - Redistribution of the voters in different electoral sections – decapsulation effect

Possible solutions for electoral problems (II):

- Electoral campaign based on discussions and exchange of ideas instead of pure PR competition
- Permanent CEC with enhanced financial and administrative capacity
- Regional counting centers
- electronic voting

National referendums in the Bulgarian history:

- 1922 – for searching of responsibility of the governments that have involved Bulgaria in the I World War
- 1946 – monarchy or republic
- 1971 – approval of the 1971 Constitution

Characteristics of the national referendum:

- Imperative
- Facultative
- Pertaining to questions of national importance that belong to the competence of the National Assembly and do not fall into the prohibition list provided by art. 9 (2) and (3) of the act
- Constitutional, legislative, ratification, financial as well as with regard to other issues

Subjects that cannot be decided by national referendum (I):

- Issues that fall into the sphere of competence of the Great National Assembly
- Denouncement of international treaties
- State budget as well as the amount of the taxes
- Internal organization and activity of the National Assembly

Subjects that cannot be decided by national referendum (II):

- Constitutive powers of the National Assembly
- Initiation of presidential impeachment
- Fixing the term of elections
- Declaring war and peace
- Adoption of codes and laws that regulate a distinct branch of law as a whole

Characteristics of the local referendum:

- Imperative
- Facultative
- Pertaining to questions of local importance that the parliamentary acts have allocated in the competence of the municipal councils and the mayors and do not fall into the prohibition list provided by art. 26 (2) of the act
- On municipal, district or mayorship level
- There is also a local peoples veto

Subjects that cannot be decided by local referendum:

- Municipal budget
- Amount of the local taxes
- Rules for the internal organization and activity of the municipal council

The local peoples veto is:

- Referendum for derogation
- of municipal council's decisions
- on proposal of an initiative committee
- that has collected the signatures of at least 1/10 of the voters in the municipality
- in 1-months term as of announcement of the decision

Procedure for the accomplishment of the national and local referendum (I):

- Initiative
- Introduction of the proposal and its inscription in a public register by the chairman of the National Assembly or by the chairman of the municipal council
- Discussion in the National Assembly or the municipal council

Procedure for the accomplishment of the national and local referendum (II):

- Approval of the proposal or its rejection if it is not signed by at least 500 000 or 1/10 of the voters
- Fixing a date for the vote by the President or the municipal council
- Information campaign
- Voting
- Counting the ballot papers and determination of the result
- (contestation of the legality)
- Promulgation of the decision adopted

Initiative:

- For national referendum:
 - 1/5 of the MPs
 - President
 - Council of Ministers
 - 1/5 of the municipal councils
 - Initiative committee with 200 000/500 000 signatures
- For local referendum:
 - 1/5 of the municipal councilors but not less than 3
 - Mayor of municipality, district or mayorship
 - Initiative committee with 1/20 or 1/10 signatures

Approval for accomplishment of referendum by the:

- National Assembly – for national referendum
- Municipal council – for local referendum

Information campaign, preparation and voting:

- information campaign is accomplished by:
 - The Council of Ministers, the initiative committee and the representatives of the alternative position – in case of national referendum
 - The mayor, the initiative committee and the representatives of the alternative position – in case of local referendum
- Technical and organizational preparation of voting is accomplished by:
 - The Council of Ministers – in case of national referendum
 - The mayor and the municipal administration – in case of local referendum
- The organization of the voting itself, including counting of ballot papers etc. is accomplished by:
 - Central electoral commission, district and section electoral commissions– in case of national referendum
 - Central electoral commission, municipal and section electoral commissions– in case of local referendum

Requirements for success of the referendum:

- Quorum:
 - For national referendum – at least the number of the voters that have participated in the last elections for National Assembly
 - For local referendum – at least the number of the voters that have participated in the last elections for municipal council
- Majority – affirmative vote by more than the half of the participated voters

Prohibitive period for accomplishment of new referendum on the same issue in case of unsuccessful referendum:

- 2 years for national referendum
- 1 year for local referendum

Contestation of the constitutionality and legality of the referendums:

- For national referendum:
 - Constitutionality of the decision of the National Assembly – before the Constitutional court
 - Legality of the results – before the Supreme administrative court
- For local referendum:
 - Only the legality of the results – before the respective administrative court

Characteristics of the national and local peoples initiative:

- Formulated or not formulated
- Indirect
- The national peoples initiative can be constitutional, local or for other issues
- The local peoples initiative concerns questions of local importance that the parliamentary acts have allocated in the competence of the municipal councils and the mayors and do not fall into the prohibition list provided by art. 26 (2) of the act

Procedure for accomplishment of the national and local peoples initiative:

- Through initiative committee comprising 5 to 15 (national initiative) or 3 to 7 (local initiative) members
- Gathering of signatures in 3-months term as of informing the chairman of the National Assembly or the chairman of the municipal council
- On public places
- Through volunteers or paid signature collectors
- Number of signatures - 500 000 for the national or 1/10 for the local initiative

Citizens initiative:

- National citizens initiative:
 - Addressee: the National Assembly or the central institutions of the executive
 - Subject: questions of national importance
 - Mean: subscription
- Local citizens initiative:
 - Addressee: the municipal council, the municipal, district or mayorship mayor or the regional institutions of the executive
 - Subject: questions of local importance
 - Mean: subscription

Citizens initiative procedure:

- Assembly of at least 50 citizens with electoral rights:
 - Adopts the proposal
 - Elects initiative committee
 - Approves the formulary, term and method for gathering the signatures
- Initiative committee gathers the signatures in 3-months/2-months term
- Information campaign
- Introduction, discussion and approval/rejection of the proposal

General assembly of the population:

- Competence as regards the subject matter – issues of local importance that can be discretionary decided by the mayor or the municipal council
- Territorial competence – municipalities, districts, mayorships and quarters up to 10 000 inhabitants
- Personal composition – all citizens with electoral rights and permanent or present residence on the respective territory

Procedure for accomplishment of the general assembly of the population:

- Initiative:
 - Mayor
 - Municipal council
 - 1/50 but not least than 20 citizens by virtue of an initiative committee
- Quorum – $\frac{1}{4}$, or at least 1/10 if this quota is not reached within 1 hour
- Majority – more than the half of the participants
- Voting – secret
- Contestation – before the respective administrative court

General characteristic of the Bulgarian direct democracy model

- Direct democracy models in comparative perspective:
 - Parliamentary dominated
 - Plebiscitary
 - Inductive
- The Bulgarian model is parliamentary dominated with elements of the inductive
- Very high procedural requirements leading to almost purely normative dimension of the direct democracy in Bulgaria because of the low success expectancy

Citizen's initiatives registered with the Public register for national referenda at the National Assembly (I):

- “Do you want that for the next elections all Bulgarian citizens to have to right to vote via Internet?” (17.05-17.08.2012) – still open; civic activists with the support of centre-right political parties;
- “Should the atomic energy be developed through the construction of APP “Belene”?” (27.04.-27.07.2012) – still open; civic activists with the support of the BSP

Citizen's initiatives registered with the Public register for national referenda at the National Assembly (II):

- “Should the Bulgarian government try to renegotiate the farmers’ subsidies in the EU” – 8.09.2010 – terminated
- “Do you want a pre-term termination of the mandate of the 41st National Assembly with the purpose of convening a Grand National Assembly for the adoption of a new constitution?” (1.09.2010 - 1.12.2010); RZS political party; 597152 signatures gathered – many of them are believed to be falsified

Citizen's initiatives registered with the Public register for national referenda at the National Assembly (III):

- “Are you against the membership of Turkey in the EU?” (16.04.2010-16.07.2010); 322532 signatures gathered; VMRO political party

Internal territorial plebiscite:

- City of Shipka
- Yavorovo village
- Yagodovo village